

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RYAN PARKER, :
Petitioner, : Civ. No. 20-7384 (EP)
v. : **MEMORANDUM OPINION &**
: **ORDER**
UNITED STATES OF AMERICA, :
Respondent. :
-----:

APPEARANCES:

Ryan Parker
71164-050
United States Penitentiary-Hazelton
P.O. Box 2000
Bruceton Mill, WV 26565

Petitioner *Pro se*

Philip R. Sellinger, United States Attorney
Desiree Grace Latzer , Assistant U.S. Attorney
United States Attorney's Office for the District of New Jersey
970 Broad Street
Newark, NJ 07102

Attorneys for Respondent

PADIN, District Judge

WHEREAS, Ryan Parker filed a pro se motion to correct, vacate, or set aside his federal sentence under 28 U.S.C. § 2255, DE 1. *See also United States v. Parker*, No. 17-cr-0414 (D.N.J. July 31, 2018); and

WHEREAS, Petitioner argues his guilty plea is invalid after the Supreme Court's decision in *Rehaif v. United States*, 139 S. Ct. 2191 (2019), which held that the Government must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant category of persons barred from possessing a firearm' to obtain a conviction under 18 U.S.C. § 922(g); and

WHEREAS, the United States submitted its opposition to the motion on July 31, 2020, DE 3; and

WHEREAS, the matter was reassigned to this Court on June 28, 2022. DE 4. Having reviewed the docket, I conclude that further information would assist in ruling on Petitioner's motion; and

WHEREAS, Rule 7 of the Rules Governing Section 2255 Proceedings permits the presiding judge to "direct the parties to expand the record by submitting additional materials relating to the motion." 28 U.S.C. § 2255 Rule 7(a); and

WHEREAS, I find that the transcripts of Petitioner's April 20, 2018 plea hearing and July 31, 2018 sentencing would assist my review of Petitioner's motion.

THEREFORE, IT IS on this 22nd day of July, 2022,
ORDERED that the United States shall file certified transcripts of Petitioner's April 20, 2018 plea hearing and July 31, 2018 sentencing on the docket, and serve Petitioner with copies, within 45 days of this Order. 28 U.S.C. § 2255 Rule 7(a); and it is further

ORDERED that Petitioner may file any response within 30 days of receiving the transcripts, 28 U.S.C. § 2255 Rule 7(b); and it is finally

ORDERED that the Clerk shall send Petitioner a copy of this Order by regular mail.

At Newark, New Jersey

/s/Evelyn Padin
EVELYN PADIN, U.S.D.J.